

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

12/14/2005 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 04-00291SOM
CASE NAME: USA vs. (01) Samu Faalogoifo
ATTYS FOR PLA: Beverly Wee Sameshima
ATTYS FOR DEFT: 01 Michael Green
Malia Eversole (USPO)

JUDGE:	Susan Oki Mollway	REPORTER:	Lisa Groulx
DATE:	12/14/2005	TIME:	9:10 - 9:25

COURT ACTION: EP: Sentencing to Count 1 of the Second Superseding Indictment and Government's Motion for Downward Departure -

Defendant (01) Samu Faalogoifo present and in custody.

Court adopts the PSR, and it is filed under seal along with the USPO's recommendations.

The Memorandum of Plea Agreement has been accepted by the Court.

Allocution by the Defendant.

Government's Motion for Downward Departure - Granted.

ADJUDGED:

Imprisonment: 51 Months.

Supervised Release: 5 Years.

Special Assessment: \$100.00.

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter. The defendant to submit up to a maximum of one valid drug test per day as directed by the Probation Office.
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ▶ That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
- ▶ That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
- ▶ That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Defendant advised of his right to appeal.

Government's Motion to Dismiss Count 2 of the Second Superseding Indictment as to this Defendant Only - Granted.

JUDICIAL RECOMMENDATIONS: 1) Lompoc; 2) 500 Hour Comprehensive Drug Treatment Program; 3) Alcohol Treatment; 4) Educational and Vocational Training.

Defendant remanded to the custody of the USM.

Submitted by: Toni Fujinaga, Courtroom Manager.